

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 23587 of 2001

Between:

1. Naseeruddin S/o Basheeruddin
R/o Devarkadra Village and Mandal, Mahaboobnagar District.
2. Smt.Tahera Begum W/o Naseeruddin
R/o Devarkadra Village and Mandal, Mahaboobnagar District.
3. Kuruva Chinna Ushanna' S/o Balappa
R/o Devarkadra Village and Mandal, Mahaboobnagar District.
4. Venkataiah S/o Sadanna
R/o Devarkadra Village and Mandal, Mahaboobnagar District.

..... PETITIONERS

AND

1. The District Collector,
Mahaboobnagar.
2. The Revenue Divisional Officer,
Narayanapet Mandal, Mahaboobnagar District.
3. The Mandal Revenue Officer,
Devarakarda Mandal, Mahaboobnagar District.
4. The Gram Panchayat, Rep by its Executive Officer,
Devarakarda,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in seeking to demolish the structures made

by the petitioners in the lands situated in Sy.no.15/A of Devarkadra Village as arbitrary, illegal and violatve of Article 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR .A.NARASIMHA REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4 : Mr. P. Raghavender Reddy.

The Court made the following :

ORDER:

The petitioner is the absolute owner of the properties situated in Sy. No. 15/AA admeasuring Ac.0.37 guntas at Devarkadra village and were running a hotel therein. When the respondents tried to interfere, the petitioners filed OS No. 10 of 1993 and OS No.6 of 1993 for perpetual injunction in respect of the properties situated in Sy. No. 15/A and a defence was taken that the land in Sy. No.15/E is Government land, which was dismissed and on appeal in AS No. 11 and 15 of 1996, a decree was passed on 30.6.1997 decreeing the suits, by learned Subordinate Judge, Gadwal. On further appeal to the High Court in SA No. 591 and 771 of 1999, they were dismissed by order dated 11.8.1999 and as such the petitioners were issued pattedar pass books. When the matter stood thus, the respondents directed the petitioners to remove the construction, without initiating any proceedings or conducting enquiry. Therefore, the petitioners filed the present writ petition.

According to the counter, filed by the respondents, the land in Sy. No.15/A is a patta land and when the petitioners encroached Govt. Land in Sy. No. 15/E, eviction notice under Sec. 7 If the Land Encroachment Act were issued and the petitioner filed OS No. 6, 7, 8 and 10 of 1993. It is further submitted that the respondents have nothing to do with any construction made in Sy. No.15/A. The petitioners also assert that they made constructions in Sy. No.15/A

only and not in 15/E. Therefore, recording these submissions, since no cause survives in the writ petition, the writ petition is accordingly closed. No order as to costs.

Elipe Dharma Rao, J.

July 7, 2005

MAS.

To

1. The District Collector,
Mahaboobnagar.
2. The Revenue Divisional Officer,
Narayanapet Mandal, Mahaboobnagar District.
3. The Mandal Revenue Officer,
Devarakarda Mandal, Mahaboobnagar District.
4. The Executive Officer,
Gram Panchayat, Devarakarda
5. Two CCs to the Govt. Pleader for Revenue, A.P. High Court
Buildings, Hyderabad.

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